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REPORT OF THE SECRETARY-GENERAL CONCERNING THE SITUATION IN ABKHAZIA, GEORGIA

I. INTRODUCTION

1. By its resolution 906 (1994) of 25 March 1994, the Security Council extended the mandate of the United Nations Observer Mission in Georgia (UNOMIG) for an additional period terminating on 30 June 1994. In addition, the Council requested the Secretary-General to report on whatever progress was made in the negotiations as soon as it was achieved, and in any case no later than 21 June 1994, and on the situation on the ground, with special attention to circumstances that might warrant a peace-keeping force and on the modalities for such a force.

2. On 4 April 1994, during my visit to Moscow, two documents were signed by representatives of the Georgian and Abkhaz sides. The signatures were witnessed by my Special Envoy for Georgia, Ambassador Edouard Brunner, by the Deputy Foreign Minister of the Russian Federation, Mr. Boris Pastukhov, and by the representative of the Conference on Security and Cooperation in Europe (CSCE), Ambassador Vincenzo Manno.

3. These two documents, which were very largely the product of earlier negotiations in Geneva and New York, were:

(a) A declaration on measures for a political settlement of the Georgian/Abkhaz conflict (S/1994/397, annex I);

(b) A quadripartite agreement on voluntary return of refugees and displaced persons (ibid., annex II).

4. At a meeting of the Security Council held on 8 April, the President of the Council made a statement on behalf of the Council (S/PRST/1994/17). He stated, inter alia, that the Council considered the signing of the two documents as an encouraging event, laying the basis for further progress towards the settlement of the conflict. The Council underlined the importance of substantive progress towards a political settlement during the next rounds of negotiations so that the Council might adequately consider the possible establishment of a peace-keeping force in Abkhazia, Georgia. The Council also looked forward to an early report by the Secretary-General as provided for in resolution 906 (1994).

5. Following the signature of the two documents on 4 April, further negotiations have been held in three areas: repatriation of refugees and displaced persons; the possible establishment of a peace-keeping force; and the achievement of a comprehensive political settlement.

II. REFUGEES AND DISPLACED PERSONS

6. The Quadripartite Commission comprised of the Georgian and Abkhaz sides, the Russian Federation and the Office of the United Nations High Commissioner for Refugees (UNHCR), as established by the quadripartite agreement signed in Moscow on 4 April 1994, held its first meeting in Sochi on 8 and 9 April 1994. The Commission discussed its modus operandi and adopted its initial workplan. As part of this workplan, UNHCR undertook a mission from 16 to 29 April to areas of temporary shelter in Georgia and the Russian Federation and areas of return in the Gali region, to finalize the correction of data necessary to complete a plan of operations. This plan was discussed by the Commission at its second meeting on 26 April 1994 and will form the basis for an appeal for funds by UNHCR, once adequate conditions of safety in the areas of return are on the way to being achieved.

7. The Commission has established ad hoc quadripartite expert groups to deal with specific aspects of the operations, such as applicability of immunity, the registration process and a mass-media information campaign. A further meeting is planned for 11 May to review progress in the work of the expert groups. Further meetings of the Quadripartite Commission will be held as required, not less than once a month.

III. POSSIBLE ESTABLISHMENT OF A PEACE-KEEPING FORCE

8. UNOMIG continues to perform the duties entrusted to it under resolution 881 (1993). Its current strength stands at 22 military observers. The observers conduct daily patrols to different parts of Abkhazia. The situation on the ground has been relatively calm, but occasionally tense in the Gali district and, more frequently, in the Kodori Valley.

9. Negotiations on the possible establishment of a United Nations peace-keeping operation were held in Geneva from 12 to 15 April. The meetings were chaired by my Special Envoy. Representatives of the two sides, the United Nations Secretariat, the Russian Federation and CSCE were present throughout the negotiations.

10. At the outset of the negotiations, the parties reiterated the positions that they had held earlier and which I described in paragraph 9 of my report of 18 March 1994 (S/1994/312). In an attempt to bridge the gap between their positions, a number of draft agreements for a cease-fire and separation of forces and proposals for deployment of a United Nations peace-keeping force were presented to the two sides.

11. In the course of the negotiations, the parties displayed some flexibility. However, on the last day there still remained a number of differences, including on the following fundamental questions:

(a) The depth of the security zone to be created on both sides of the Inguri River;

(b) The nature of the United Nations deployment within the security zone;

(c) The nature of the United Nations deployment beyond the zone and throughout Abkhazia, Georgia.

At the close of the round, a further draft cease-fire agreement and an outline plan for deployment were given by my Special Envoy to the parties for further consideration. A copy of that draft and the proposed deployment plan are attached as annex I.

12. Subsequently, the Georgian side has indicated informally to my Special Envoy that it would accept the draft agreement provided that the Abkhaz side also accepts it as it stands. The Abkhaz side has presented a revised draft, in which it essentially maintained its disagreement with the United Nations draft on the points referred to in paragraph 11 above and also included additional modifications. Efforts are continuing to resolve these differences and to achieve a draft acceptable to both sides, without which deployment of a peace-keeping operation would not be practicable. Preliminary and informal contact with potential troop contributors has also been made.

IV. EFFORTS TO ACHIEVE A POLITICAL SETTLEMENT

13. A further round of negotiations with the objective of making progress towards a comprehensive political settlement took place in Geneva from 19 to 22 April, on the one hand, as a continuation of previous negotiations and, on the other, in implementation of paragraph 8 of the declaration signed in Moscow on 4 April which established a standing committee to continue energetic efforts to achieve a comprehensive settlement.

14. At the end of this round, two papers were presented by the Chairman for further consideration. The two papers, copies of which are attached as annexes II and III, set out proposals for political and legal elements of a comprehensive settlement and a proposal for the establishment of a coordinating commission to discuss practical matters of mutual interest (energy, transport, communications, ecology, etc.). Neither side was asked to accept the proposals at that stage but it was agreed that they would form the basis for discussion at the next session of negotiations, scheduled to take place in Moscow from 10 to 12 May.

15. It will be seen from the two papers that efforts are being made to find a solution within which Abkhazia would be a subject with sovereign rights within the framework of a union State to be established as a result of negotiations after issues in dispute have been settled. It will also be seen that the

coordinating commission, if established, would meet in the town of Sochi from 1 June 1994 and would be chaired by a representative of the United Nations.

V. OBSERVATIONS

16. From the above, it will be recognized that energetic efforts are being made in all three areas. These three areas have to be considered as a whole. It is obvious that success in the political field can come only at the end of the process and is linked to the beginning of the return of the refugees as well as to the deployment of international peace-keepers. This is why the question of determining whether the "substantive progress" that is sought by the Council has been achieved is a question of interpretation. Given the intensity of the conflict and the high level of suspicion and mistrust that exists between the two parties to the conflict, however, it is my view that progress is probably being made as quickly as reasonably practicable. As I have intimated in earlier reports, the achievement of a comprehensive political settlement will be neither quick nor easy.

17. In the meantime, UNHCR is proceeding with its planning for the repatriation of refugees and displaced persons. This is particularly important as many have now been absent from their homes for over eight months and the strains they are suffering are acute. Moreover, the planting season is beginning and, if it is missed, there will be further hardships later in the year. However, it has become clear that the large-scale return of refugees and displaced persons will not take place until an international military presence is deployed in those parts of Abkhazia to which the refugees and displaced persons will be returning. Without such an international presence they will not trust the Abkhaz authorities' readiness or ability to ensure their security. The deployment of an international force is therefore a matter of considerable urgency.

18. In this context the Council will wish to be aware that the Russian Federation has indicated its readiness to deploy an advance contingent of a United Nations force, should the Council decide to establish one. I understand that this contingent, which would number several hundred troops, could be deployed within days of authorization by the Council for its deployment.

19. It is also to be noted that, at a meeting held in Moscow on 15 April 1994, the Council of Heads of State of the Commonwealth of Independent States (CIS) adopted a statement (S/1994/476, annex) concerning the carrying out of a peace-keeping operation in the Georgian-Abkhaz conflict zone. The Council of Heads of State stated inter alia:

> "... the States of the Commonwealth of Independent States which are Parties to the Treaty on Collective Security appeal to the Security Council of the United Nations to take an immediate decision to undertake a peacemaking operation in Abkhazia.
>
> "The Council of Heads of State of the Commonwealth express their readiness, in the event that for any reason such a decision is not adopted in the very near future, in accordance with the spirit and principles of the Treaty, which calls for the safeguarding of the peaceful and secure

development of the States Parties, to send to the conflict zone, with the agreement of the parties to the conflict, peacemaking forces consisting of military contingents from interested States parties to the Treaty."

20. My efforts and those of my Special Envoy to establish the necessary conditions for a United Nations peace-keeping force have now been under way for five months. Much progress has been made but the work is not yet complete. Given the urgent need for an international military presence in Abkhazia, as described in paragraph 17 above, I had hoped to be in a position to recommend to the Council that it decide now to establish a United Nations peace-keeping force and to authorize its deployment with the greatest possible speed. I regret, however, that the reservations being raised by the Abkhaz side and the absence of acceptance by both sides of the United Nations proposals for the mandate and deployment of a United Nations peace-keeping force make it impossible for me to submit such a recommendation. The sad fact is that the conditions have not yet been fulfilled for the deployment of a United Nations force in Abkhazia and I do not believe that the Council would wish to risk another peace-keeping operation that could be prevented from carrying out its mandate because of non-cooperation by one or both of the parties on the ground. Time, however, is now short if advantage is to be taken of the spring and summer seasons for the refugees and displaced persons to return and start carrying out the tasks of reconstruction, rehabilitation and planting.

21. In these circumstances there would seem to be three broad options for the Security Council to consider, as follows:

(a) Taking the decision in principle now to establish (but not yet deploy) a United Nations peace-keeping force in the hope that this evidence of United Nations intentions would help to convince the parties to accept proposals that would make deployment possible (option 1). It would need to be made clear to the parties that, by withholding their agreement to the mandate and deployment as now proposed, they would be preventing the very deployment of a United Nations peace-keeping force that they themselves had requested;

(b) Concluding that there is little realistic prospect of agreement on a United Nations peace-keeping force in the necessary timescale and deciding in these circumstances to authorize the Russian Federation and its partners in CIS to deploy immediately in Abkhazia a non-United Nations force, with, however, a further option to subsume such a contingent subsequently in a United Nations force if and when the necessary conditions are established (option 2);

(c) Postponing a decision until further efforts have been made to persuade the parties to agree on the mandate and deployment of a United Nations force (option 3).

22. These options can in operational terms be translated into the following options and sub-options:

Option 1

23. Notwithstanding the present lack of agreement between the parties, the Council would decide now to establish a United Nations peace-keeping force, with

a mandate drawn under Chapter VI of the Charter of the United Nations, but would make the force's actual deployment dependent on a report from me that the parties had formally accepted the present proposals for its mandate and deployment, or modifications thereof acceptable also to the United Nations. As described in annex I, the force's primary objective would be to contribute to peaceful conditions in the area through monitoring of the implementation of the cease-fire and separation of forces agreement. Its deployment would include, but not be confined to, a security zone on both sides of the Inguri River. Pending the two sides' agreement on mandate and deployment, contacts would be pursued with potential troop contributors and planning for deployment of the force would proceed to the extent possible.

24. As regards the eventual deployment of the force when the parties had agreed to its mandate, etc., the Council could consider two sub-options, as follows.

Sub-option 1A

25. Deployment would wait until the necessary planning was complete and all main contingents were ready to move in quick succession into the mission area. This would involve a delay of several weeks between acceptance by the parties of the proposals and the beginning of deployment.

Sub-option 1B

26. Given the urgent need for early deployment, the Council would accept the Russian Federation's offer of an advance contingent, which would be deployed quickly ahead of the main body. From the outset, this contingent would be part of the United Nations force in both operational and financial terms. In my view, it should not exceed 30 per cent of the total strength envisaged for the force and United Nations command and control would have to be exercised from the beginning through a Force Commander from a country without substantial direct interests in the area, who would have a multinational headquarters. UNOMIG, expanded as necessary, would also become part of the United Nations force and work with the Russian contingent to discharge the mandate of the force pending the latter's full deployment.

Option 2

27. The Security Council would not decide to establish a United Nations peace-keeping force at this time but, given the urgent need for an international military presence in Abkhazia, it would decide to authorize one or more Member States (parties to the CIS Treaty on Collective Security and others that might wish to join them) to deploy troops to Abkhazia to perform the kind of functions envisaged for a United Nations peace-keeping force. Such a force would not be under United Nations command and control and its mandate and deployment would be negotiated with the parties to the conflict by the countries contributing troops to it. As regards such a force's relationship with the United Nations, there is a spectrum of sub-options relating to its financing, the continuing presence of UNOMIG and the force's possible conversion at a later date into a United Nations force. The following two sub-options illustrate the two ends of the spectrum, between which there is a range of intermediate possibilities.

Sub-option 2A

28. Operationally and financially the force would be the entire responsibility of the countries contributing troops to it. UNOMIG would be withdrawn. The contributing countries would report regularly to the Security Council and the Council would be able to terminate its authorization of the force's deployment if it so decided. Within the framework of such Council authorization, the force's continued presence in Abkhazia would depend on negotiation between the contributing countries and the parties to the conflict.

Sub-option 2B

29. The force would be seen as the precursor of an eventual United Nations force (as the Unified Task Force was for the United Nations Operation in Somalia II in Somalia). The countries contributing to it would be asked by the Secretary-General to ensure that its mandate and deployment were as close as possible to the proposals currently under discussion with the two parties. They would also be asked to consult closely with the Secretary-General on the force's operations and on the modalities for the transition to a United Nations peace-keeping operation when the necessary conditions existed. UNOMIG would remain in place, perhaps enlarged beyond its present authorized strength, to monitor the force's operations and help to plan the eventual transition to a United Nations force. The United Nations would establish a special fund for voluntary contributions from Member States that wished to support the non-United Nations force.

Option 3

30. The Council would take no decision on the establishment of a United Nations peace-keeping force at this time nor would it authorize the deployment of a CIS force. It would simply ask me and my Special Envoy to continue our efforts to obtain the two sides' agreement to proposals that would make it possible for the Council to take the decision to establish and deploy a United Nations force. In choosing this option, the Council would need to be aware that the parties might then decide to opt for the force offered by CIS, notwithstanding their expressed or implied preference for a United Nations peace-keeping force.

31. If the Security Council chooses option 3 and the parties then accept the CIS offer of a peace-keeping force, the Council would need to decide (a) whether to maintain UNOMIG in existence with the mandate of monitoring the CIS force's operations and (b) whether the United Nations should continue its efforts to help the two sides to achieve a comprehensive political settlement. In such an eventuality I would recommend in favour of both propositions.

Annex I

Draft cease-fire and separation-of-forces agreement

The parties have committed themselves in the Declaration on measures for a political settlement of the Georgian/Abkhaz conflict (CS/1994/397, annex), signed in Moscow on 4 April 1994, to a strict formal cease-fire from that date and also reaffirmed their commitment to the non-use of force or threat of the use of force against each other as expressed in their communiqué of 13 January 1994 (S/1994/32, annex). This commitment remains valid. This cease-fire and separation-of-forces agreement formalizes that commitment.

1. The parties will scrupulously observe the cease-fire on land, sea and air and will refrain from all military actions against each other.

2. The military forces of the parties will be separated in accordance with the following principles:

(a) The area between lines A and E on the attached map will be a security zone. Within the security zone between lines B and D, there shall be no armed forces or heavy military equipment. Between lines A and B and between lines D and E there shall be no heavy military equipment. Local civil authorities will continue to function in the security zone. Police employed for this purpose may be armed with personal weapons.

Heavy military equipment includes:

All artillery and mortars more than 80 mm. calibre;

All tanks;

All armoured vehicles with armament more than 20 mm. calibre;

(b) The United Nations troops and military observers of the United Nations _____ Force established in accordance with the accompanying Protocol will be stationed in the security zone to monitor compliance with the present agreement;

(c) The heavy military equipment withdrawn from the security zone will be stored in designated areas to be determined by the parties in consultation with the United Nations _____ Force on either side of the security zone and monitored by the United Nations military observers;

(d) The United Nations _____ Force will also be deployed beyond line A in Abkhazia; [A permanent observer presence will be deployed in the Kodori Valley];

(e) United Nations military observers will also monitor the coastal waters between points A and E.

3. This agreement and the attached map will be signed by the parties in _____ not later than _____ in the presence of representatives of the United Nations, the Russian Federation and CSCE. The precise delineation of a

detailed map and a plan for the implementation of the disengagement of forces will be worked out by the parties in accordance with the present agreement in a working group which will start its work for this purpose in _____ under the aegis of the United Nations within _____ after the signing of this agreement. They will complete this task within _____. Disengagement will begin _____ after the completion of the task of the working group. The process of disengagement will be completed not later than _____ after it begins.

4. The parties will promptly inform the United Nations _____ Force about the fulfilment of their obligation undertaken in the communiqué of 13 January 1994 to complete the disarmament and withdrawal of all kinds of volunteer units and individuals having participated in the conflict.

5. A map of the security zone is at Annex A.

Elements of Protocol. The Protocol concerning the United Nations _____ Force is as follows:

The parties agree that:

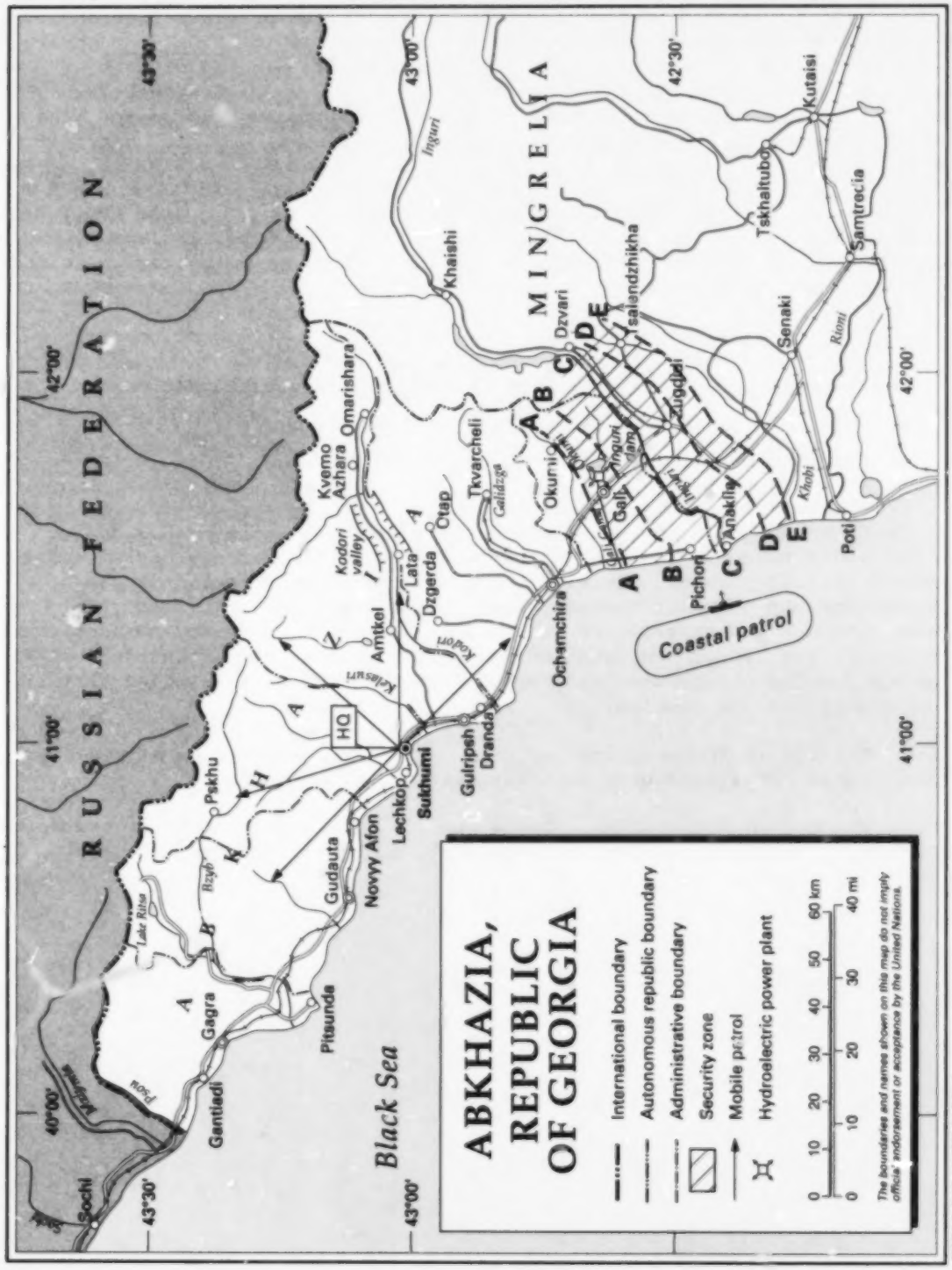
The function of the United Nations _____ Force will be to use its best efforts to maintain the cease-fire and to see that it is scrupulously observed. Further, its presence should promote the safe return of refugees and displaced persons. It will supervise the implementation of the agreement and protocol thereto with regard to the security zone. In carrying out its mission, it will comply with local laws and regulations and will not hamper the functioning of local civil administration. It will enjoy freedom of movement and communication and other facilities that are necessary for its mission.

The status of the United Nations _____ Force will be expeditiously negotiated and agreed with both parties.

The United Nations _____ Force will be under the command of the United Nations, vested in the Secretary-General, under the authority of the Security Council.

Annex A

Map attached to draft cease-fire and separation-of-forces agreement



Annex II

Proposals for political and legal elements for a comprehensive settlement of the Georgian/Abkhaz conflict

1. Abkhazia will be a subject with sovereign rights within the framework of a union State to be established as a result of negotiations after issues in dispute have been settled. The name of the union State will be determined by the parties in the course of further negotiations. The parties acknowledge the territorial integrity of the union State, created as indicated above, within the borders of the former Georgian Soviet Socialist Republic on 21 December 1991.

2. Abkhazia will have its own Constitution and legislation and appropriate State symbols, such as anthem, emblem and flag.

3. Structures of power of the union State will be created for carrying out mutually delegated competences in the following areas of joint activity already agreed by the parties:

Foreign policy and foreign economic relations;

Border services;

Customs services;

Energy, transport and communications;

Ecology and measures to eliminate the consequences of natural disasters;

Protection of human and civic rights and freedoms and the rights of national minorities.

Additions to the areas of joint activity may be made by agreement between the parties. Within the areas of joint competence, issues of interest specific to Abkhazia will be decided only with the consent of Abkhazia.

4. Outside the areas of joint competence, Abkhazia will enjoy the full measure of State power, including measures to ensure public order. Police and law-enforcement bodies in Abkhazia will be established on a multi-ethnic basis.

5. In international relations, including membership of international organizations, the union State will be represented as a single subject, with the participation of Abkhazia. In the areas of its competence, Abkhazia will have the right to conclude international treaties.

6. The parties agree to give appropriate constitutional status to the political and legal principles of comprehensive settlement agreed by them.

7. The parties appeal to the United Nations and the Russian Federation to guarantee the agreement reached by them and agree to comply with decisions taken by the guarantors.

Annex III

Proposal for the establishment of a coordinating commission

1. The two parties to the conflict agree to establish a coordinating commission to discuss practical matters of mutual interest (energy, transport, communications, ecology, etc.). The Commission will be established for a transitional period until the conflict has been resolved.

2. The two parties to the conflict agree to designate four representatives of their choice to the Commission referred to in paragraph 1. It will meet in the town of Sochi. The Coordinating Commission will be chaired by a representative of the United Nations. The Russian Federation will participate in the meetings of the Commission as a facilitator and CSCE as an observer. The Chairman will establish the agenda for the meetings of the Coordinating Commission in agreement with both parties. The first meeting of the Coordinating Commission will take place on 1 June 1994.

3. The Commission will act without prejudice to the work of the standing committee agreed on in the Moscow Declaration of 4 April 1994 (S/1994/397, annex I).

4. The two parties agree to take all decisions by consensus of delegations. Participation in the Coordinating Commission will not prejudge the legal positions of the two parties with regard to the future status of Abkhazia.